IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 32780 of 2007(B)

PETITIONER:

SHRI KUNJALAN, S/O. HYDHRU,
EDAKKATTUPEEDIKAYIL HOUSE, KKURUMALA P.O.,
VATTULY, CHELAKKARA, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS:

---

1. KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY SECRETARY.

2. ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, THRISSUR.

3. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB, CHELAKKARA.

4. SHRI S.PAILY, S/O. THOMAS,
KANNAMPILLY KUZHIYIL HOUSE, KURUMALA P.O.,
VATTULY, CHELAKKARA, THRISSUR DISTRICT.

R1 AND R3 BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 32780 OF 2007

Dated this the 19th day of December, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for the KSEB. The sketch produced by the petitioner, namely, Ext.P1, and the sketch produced by standing counsel for KSEB show the approved route and the alternate route suggested by the petitioner. Petitioner's prayer for direction to KSEB to draw line in the alternate route suggested by the petitioner cannot be granted because the same involves crossing of private properties of several persons and the petitioner has not produced consent from them. Petitioner cannot insist that line should be drawn over the property of other persons. In this case, it is seen from the sketch produced by KSEB that alternate route suggested by the petitioner is much longer than the approved route, and therefore cost will be more and consent of several persons is required. Therefore petitioner's prayer for direction to draw the line in the alternate route is rejected.

2. The sketch produced by KSEB shows that line initially passes

over the fence of two items of properties of the petitioner. However, later, the line passes substantially through the middle of petitioner's property. I feel petitioner's request to draw line over the boundary of his property should be allowed. In the circumstances, W.P. is disposed of directing the third respondent to draw line in the approved route, but the line as far as possible should be drawn and retained over the boundary of petitioner's property. Petitioner himself can suggest the location of the post for drawing the line over the boundary of his property and if technically feasible petitioner's proposal will be accepted by the third respondent. In any case line should be drawn over the boundary of petitioner's property.

(C.N. RAMACHANDRAN NAIR)
Judge